

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**Court Minutes**

**September 15, 2008**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Davis, Associate Justice; Raye, Associate Justice; and Haskett, bailiff.

**C057521      FATHALI v. DAYANI**

Cause called. Anthony T. Caso argued for appellant. Rozita Dayani argued for respondent in pro per. Cause submitted.

At 9:45 a.m., the court recessed. At 9:54 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C057392      LEWIS v. WORKERS' COMPENSATION APPEALS BOARD and BEUTLER  
HEATING AND AIR et al.**

Cause called. Marc G. Marcus argued for and Jason Marcus appeared only for appellant. Juli Solomon argued for respondent. Cause submitted.

At 10:18 a.m., the court recessed. At 10:22 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C055907      THE PEOPLE v. GRANT ALBERT WOLFENDEN**

Cause called. Roberta Franklin, court appointed counsel, argued for appellant. Laura Wetzel Simpton, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:39 a.m., the court recessed. At 2:02 p.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C056769      THE PEOPLE v. DOUGLAS CLAYTON GILBERT**

Cause called. Kathleen M. Gilbert argued for appellant. Paul A. Bernardino, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:27 p.m., the court recessed until 9:30 a.m., Tuesday, September 16, 2008.

**C054124      MARTINEZ et al. v. REGENTS OF THE      (Certified For Partial Publication)  
UNIVERSITY OF CALIFORNIA et al.**

The judgment is reversed. Plaintiffs shall recover their costs on appeal.  
SIMS, Acting P.J.

We Concur: Raye, J.  
Hull, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**Court Minutes**

**September 16, 2008**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Harper, bailiff.

**C054466 THE PEOPLE v. ALEXANDR POYRAS**

Cause called. No appearance was made for appellant. No appearance was made for respondent. Cause submitted.

At 9:30 a.m., the court recessed until 9:30 a.m., Friday, September 19, 2008.

**C054592 THE PEOPLE v. JIMMY LEWIS (Not For Publication)**

The judgment is affirmed.

ROBIE, J.

I concur: Nicholson, J.

I concur in the judgment and in the opinion except for part II of the Discussion.

Blease, Acting P.J.

**C055398 THE PEOPLE v. SUMARIA LOVE (Certified For Partial Publication)**

The convictions in counts four, eight, twelve, and thirteen are reduced to misdemeanors and remanded for resentencing. Defendant's conviction in count fifteen is stricken.

In all other respects, the judgment is affirmed. After resentencing, the trial court is directed to send a certified copy of the amended changes to the Department of Rehabilitation and Corrections.

DAVIS, Acting P.J.

We Concur: Morrison, J.

Cantil-Sakauye, J.

**C056304 THE PEOPLE v. (Not For Publication)**

**CHARLES ANTHONY GUIFFRE**

**C056464 THE PEOPLE v. CHARLES ANTHONY GUIFFRE**

The judgment is affirmed.

DAVIS, J.

We Concur: Sims, Acting P.J.

Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**Court Minutes**

**September 16, 2008, Continued**

- C056345      THE PEOPLE v.      (Not For Publication)**  
**RICHARD EDWARD SCOTT**  
The judgment is affirmed.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Nicholson, J.
- C058073      THE PEOPLE v.      (Not For Publication)**  
**LANCE ANDRAE LANG**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Nicholson, J.  
Butz, J.
- C054832      THE ZUMBRUN LAW FIRM v.      (Certified For Publication)**  
**CALIFORNIA LEGISLATURE et al.**  
BY THE COURT:  
The opinion of this court filed August 19, 2008, in the above entitled case is modified...  
As modified, the petition for rehearing is denied. This modification does not effect a change in the judgment.  
THE COURT:  
BLEASE, Acting P.J.  
Davis, J.  
Cantil-Sakauye, J.
- C056080      ELLIOTT v. GILBERT RETAIL HOLDINGS**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**Court Minutes**

**September 17, 2008**

**C049845      THE PEOPLE v.      (Not For Publication)  
VICTOR BARRAGAN et al.**

The judgment is modified to strike the section 186.22, subdivision (b) (1) (C) enhancement imposed on each defendant as to the murder convictions in count 1. The judgment is affirmed as modified. The trial court is directed to send a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Raye, Acting P.J.  
Morrison, J.

**C058756      THE PEOPLE v.      (Not For Publication)  
DAVID CHARLES JACKSON**

The trial court is directed to prepare a corrected abstract of judgment reflecting defendant's conviction and stayed sentence for violation of Vehicle Code section 2800.4 under the list of convictions rather than under other orders and to forward a certified copy to the Department of Corrections and Rehabilitation. The judgment is affirmed.

HULL, J.

We Concur: Sims, Acting P.J.  
Davis, J.

**September 18, 2008**

**C055869      THE PEOPLE v.      (Certified For Partial Publication)  
STEVEN ANDREW DEHLE**

The judgment is reversed and the matter is remanded to the trial court to conduct a new restitution hearing held in accordance with the views set forth herein.

HULL, J.

We Concur: Blease, Acting P.J.  
Butz, J.

**C057832      THE PEOPLE v.      (Not For Publication)  
JEFFREY SCOTT RASH**

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment as directed in this opinion, and to deliver the amended abstract to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Morrison, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**Court Minutes**

**September 18, 2008, Continued**

**C058255**      **In re BECKY T.; SISKIYOU COUNTY      (Not For Publication)**  
**HUMAN SERVICES DEPARTMENT v.**  
**MARILYN T.**

The orders of the juvenile court are affirmed.

HULL, J.

We Concur:    Raye, Acting P.J.  
                     Morrison, J.

**C058298**      **MARC R. McDANIEL v. MARK E. ORBEA**  
**C058397**      **MARK E. ORBEA v. MARC McDANIEL**  
**BY THE COURT:**

Appellant's motion for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Appellant's combined opening brief is to be served and filed by October 20, 2008.

CANTIL-SAKAUYE, Acting P.J.

**September 19, 2008**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Raye, Associate Justice; Robie, Associate Justice; Cantil-Sakauye, Associate Justice; and Harper, bailiff.

**C057164**      **THE PEOPLE v. RICHARD ARMENDARIZ HERNANDEZ, JR.**

Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant. Heather Gimle, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:54 a.m., the court recessed. At 9:55 a.m., the court reconvened.

## 6

**September 19, 2008, Continued**

Cause called. Gregory Stubbs argued for appellants Millville Elementary School District et al. John D. Broghammer argued for respondent Nichols, Melburg & Rossetto et al. Pamela Helmer argued for respondents David Hallman Construction et al. Cause submitted.

The judgment is affirmed. The trial court is directed to amend the abstracts of judgment as indicated in this opinion and to forward certified copies of the amended abstracts to the Department of Corrections and Rehabilitation.

The trial court is directed to prepare a corrected abstract of judgment... and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. The judgment is affirmed.

The trial court is directed to prepare a corrected abstract of judgment which described defendant's violation of Health and Safety Code section 11379 (count 1A) as transportation of a controlled substance and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. The judgment is affirmed.

Hull, J.